



GOV. TOM McCALL
... eyes "third force"

Senators' Support of Nixon Cut

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Although President Nixon's Senate support is far less solid than it was a few months ago, the Senate would reject a move to oust him from office for "high crimes and misdemeanors" if the vote were held today, a Washington Post survey indicates.

The consensus of the Senate's best vote-counters, both Republican and Democratic, is that such a move would fail by 12 to 17 votes.

Four months ago, a similar Washington Post survey put the probable anti-Nixon figure at some 5 to 10 votes less than today.

By far the most significant development since the last survey is the weakening of support for the President among senators who still say they would vote against removing him. Many are far less confident of his innocence today, and make it clear that it wouldn't take much new evidence to push them across the margin of doubt.

Every one of the two dozen senators and top aides interviewed in the new survey emphasized that it is very early in the game to be estimating Senate votes. The House Judiciary Committee hasn't framed any charges yet, the House hasn't voted on whether to approve a bill of impeachment for trial by the Senate, and virtually no senator has made up his mind absolutely.

But on the basis of their experience in reading the moods of the Senate, these vote-counters estimated that the number of senators now "leaning toward" a Nixon ouster is probably just over 50, and conceivably as high as 55. This would fall short of the 67 votes needed to remove President Nixon from office if the House sent over a bill of impeachment. Some of those interviewed believe

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the figure to still be well below 50.

The bulk of the anti-Nixon vote, in the view of most of the vote-counters, will come from the Senate's 42 Northern Democrats. These include men like Edmund S. Muskie (D-Main), Walter Mondale (D-Minn), Edward M. Kennedy (D-Mass.), Daniel K. Inouye (D-Hawaii) and Dick Clarke (D-Iowa).

A sprinkling of liberal Republicans like Charles H. Percy (R-Ill.), Edward W. Brooke (R-Mass.) and Jacob K. Javits (R-N.Y.) also are seen as possibilities.

Southern Democrats like James O. Eastland (D-Miss.), James B. Allen (D-Ala.) and Russell B. Long (D-La.) are viewed by the vote-counters as likely supporters of Mr. Nixon, along with GOP conservatives and moderates like Barry Goldwater (R-Ariz.), Paul J. Fannin (R-Ariz.) and Robert Taft Jr. (R-Ohio).

So far none of these men has indicated a position, but the vote-counters are estimating their likely stances.

But these same vote-counters agree almost unanimously that President Nixon's position has been worsening steadily in recent months, as a result of publication of the White House transcripts and of continued presidential refusal to comply fully with the requests of the House Judiciary Committee and of Watergate Special Prosecutor Leon Jaworski for added information bearing on the Watergate scandals.

Some of the senators in The Washington Post survey were selected for their accuracy in predicting Senate developments, others to give a regional and ideological balance of opinion. Because they will be the jurors in any impeachment trial, all were extremely reluctant to discuss the matter and insisted that their names not be used.

Several said they feared that they would be accused of prejudging the issue if they were identified as the source of a statement.

"People are Goddamned cautious about talking," one laughed nervously. "For God's sake, burn your notes."

Four months ago, one Southern Democrat told the Washington Post he didn't see an ounce of evidence to justify voting to remove the President.

This same senator said last week, "As of now I'd vote No. But I'm more doubtful than before... I'd be inclined to hear the arguments now. There's no doubt he's lost ground, the tapes hurt... as of now I'd vote against impeachment because it's not beyond a reasonable doubt."

A Southern Republican said, "Personally, I'm still in the classification against impeachment, but I'm also in that category which feels less secure in its position. The important thing today is the tilt." Maybe fewer

than 30 senators have made up their minds to vote against the President, he thinks, "but the tilt of the remaining ones is shifting. These others are closer to voting against, even if not decided yet. Many are less secure in their position for him, and it's pushed that big puddle in the middle a bit closer to voting against him."

"He's lost a substantial number of votes since the last time we talked," said one Northern Democrat. "All you get is 'Jesus Christ, he's really involved.' But I still don't think it's over 50. Maybe 35."

He added, "My own position is that the burden has shifted against the President. Much will depend on how good a job the House does in presenting the facts." Four months ago,

this senator said he didn't believe that there were more than 10 hard votes against Mr. Nixon, and added that he couldn't see any evidence. "My position has shifted from the previous position, which said 'no evidence,' to where I now think there is evidence, but whether it's enough I can't say yet."

Chomping on a cigar, one of the Senate's most sagacious Democratic operatives, a man of superb judgment in infighting, sat back in his chair and said he personally hadn't made up his mind and would await the evidence. But he said that if he had to bet his life on it, he'd estimate that "right now, you've got a majority" against the President.

"Before the House is through, I don't doubt you may have two-thirds. I'm talking about conviction." This same senator estimated four months ago that the probable anti-Nixon Senate count was between 20 and 40.

A GOP figure with an exceptional track record in predicting votes said, "Maybe the anti-Nixon vote is still not more than 34 or 40... but more people have questions who didn't have before. So far, the numbers may not have changed much, but a lot of solid Nixon votes are now less solid.

"They haven't switched yet, but there is much more possibility they will. The burden of proof is beginning to shift to him," he said.

A Northern Republican senator, generally counted as a Nixon loyalist, said, "I don't know how to measure it, but I would think the President's position has deteriorated since our last conversation" four months ago. "I'd guess more than a majority but less than two-thirds" are leaning toward voting for conviction.

Nearly all the senators interviewed cited the White House transcripts and the President's refusal to give the House Judiciary Committee and Jaworski all they want in evidence as the reasons for the loss of support by the President.

A Western Republican who seems firmly in the President's camp right now said, "The President's lawyers are making a mistake to challenge the House Judiciary Committee and that's a tough one. He'll lose that in the minds of many up here."

A Southern Democrat who has read half the White House transcripts said, "He doesn't come through as a great man. He comes through as expedient, indecisive, perhaps somewhat duplicitous. The \$120,000 [possible payment to one of the Watergate defendants], the hush money—may be difficult." He said he'd still vote against removal right now, however.

A key GOP senator said, "I seriously doubt whether there are two-thirds, I wouldn't know whether there are as many as over half," but referring to the alleged "hush money" payment, he said, "The only thing in the transcripts seriously damaging is 'Jesus Christ, get it,' and that is open to several interpretations. Maybe the worst problem is if he refuses to execute the law and give evidence to [Judge Gerhard] Gesell" in the Ehrlichman-Colson case.

One Republican up for reelection said he doesn't see sufficient evidence to vote against the President yet, but added that he doesn't guess that more than a dozen members of the Senate think Mr. Nixon is totally innocent. He is in a tight race, and unlike most incumbents, he said he would prefer the Senate vote to come before election day and be done with.